UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,359	06/07/2001	Luigi Pace	CM2381	9161

27752 7590 08/14/2007

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER	
KHAN, AMINA S	
ART UNIT	**PAPER NUMBER**
1751	

MAIL DATE	DELIVERY MODE
08/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/876,359	PACE ET AL.	
	Examiner	Art Unit	
	Amina Khan	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/30/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to applicant's amendments filed on April 30, 2007.

2. Claims 1-20 are pending. Claims 1,13 and 20 have been amended.

3. The objection to the oath is withdrawn.

4. The 35 U.S.C. 103(a) rejection of claims 14-19 as being unpatentable over Wei et al. (US 6,245,729) in view of Romano et al. (WO 97/25404) is withdrawn in view of applicant's arguments.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al. (US 6,245,729).

Wei et al. teach heat generating compositions comprising a first solid (column 6, lines 50-60) component containing a peracid precursor, a peroxygen source, a moisture

barrier such as monoethanol amide of stearic acids, which meets the claimed limitation of fatty acid C_6-C_{24} alkanolamide surfactant, and a chemical heater, such as zeolites, pyrophosphoric acid or inorganic salts, and a second component containing water (abstract; column 11, lines 30-45 and 57-67; column 9, lines 60-67; column 10, lines 1-12). Wei et al. further teach the chemical heater when contacted with the water generates enough heat to produce a 5°C to 25°C increase in local temperature and increases the rate of peracid formation (column 9, lines 29-67; column 10, lines 1-12). Wei et al. further teach that the chemical heater can be triggered by hydrolysis, hydration or acid-base neutralization, such as the combination of sodium hydroxide and citrus acid (column 10, lines 1-11). Wei et al. further teach that the composition may be used as a carpet sanitizer generated on the surface of the substrate (column 14, lines 3-7).

Wei et al. do not teach all the instantly claimed embodiments in a single example.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the instantly claimed components and methods from the teachings of Wei et al. because Wei et al. clearly teach the sanitizing and disinfecting benefits of these compositions when applied to carpets (column 13, lines 58-67; column 14, lines 1-7). One of ordinary skill in the art would have been motivated to modify the teachings of Wei et al. to arrive at the instant invention absent unexpected results.

7. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al. (US 6,245,729), as applied to the claims above, and further in view of Scialla et al. (US 5,905,065).

Wei et al. are relied upon as set forth above.

Wei et al. do not teach sulfosuccinate surfactants.

Scialla et al. teach carpet cleaning compositions comprising amine oxide surfactants (column 4, lines 25-35), anionic, cationic, zwitterionic, nonionic surfactants, and mixtures thereof, specifically, fatty acid alkanolamides, sulphosuccinates, glucose amides, and betaines (column 11, lines 15-67). Scialla et al. further teach that the compositions can be applied in powder form and diluted with water at the time of application to carpets (column 12, lines 55-60; column 3, lines 60-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wei et al. by substituting the surfactants taught by Scialla for the fatty acid alkanolamides taught by Wei because Scialla et al. teach the functional equivalence of the anionic, zwitterionic and nonionic surfactants for the benefits of producing compositions with improved stain removal properties. Substituting art recognized equivalents only requires routine skill in the art.

Furthermore, it is prima facie obvious to combine the two compositions, each taught for the same purpose, to yield a third composition for that very purpose. *In re Kerkhoven*, 205 USPQ 1069, *In re Pinten*, 173 USPQ 801, and *In re Susi*, 169 USPQ 423 when ingredients are well known and combined for their known properties, the combination is obvious absent unexpected results. A person of ordinary skill in the

carpet disinfecting art would expect combinations of these materials to behave in the same fashion as the individual materials, absent unexpected results.

Response to Arguments

8. Applicant's arguments filed regarding Wei et al. have been fully considered but they are not persuasive.

The applicant argues:

" As noted above, Applicants find no teaching, suggestion or reference in Wei et al of the processes for treating a fabric (claims I and 20) or cleaning a carpet (claim 13) comprising the steps of applying, in any order, to said fabric a first composition and a second composition, wherein said first and/or second composition comprises a surfactant as set forth in the claims, and wherein upon contact of said first and second compositions heat is generated. In addition, Applicants find no teaching, suggestion or reference in Wei et al for modifying the disclosures therein to arrive at the claimed invention. In view of the failure of Wei et al to teach, suggest or recognize the processes for treating a fabric (claims I and 20) or cleaning a carpet (claim 13) as recited by the claims, the references do not support a rejection of claims 1-13 and 20 under 35 U.S.C. §103."

The examiner respectfully disagrees. Applicants indicate in claim 9 that the fabric can be a carpet. Wei et al. clearly teach treating carpets and generating the sanitizer on the carpet surface (column 14, lines 1-8) wherein the composition comprises monoethanol amides of stearic acid (column 11, lines 65-67). Wei et al. further teach the chemical heater when contacted with water generates enough heat to produce a 5°C to 25°C increase in local temperature and increases the rate of peracid formation (column 9, lines 29-67; column 10, lines 1-12). Accordingly, the rejections of the claims are maintained.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK
August 10, 2007

LORNA M. DOUYON
PRIMARY EXAMINER